

### REMARKS

Claims 35, 39, 40 and 50-67 are pending. In the Office Action, the Examiner rejected claims 1-34, 36-38 and 41-49 under 35 U.S.C. §102(e) or §103(a) as being anticipated or made obvious by the prior art. The Examiner objected to claims 35, 39 and 40 as dependent upon rejected base claims, but stated that claims 35, 39 and 40 would be allowable if rewritten in independent form including all limitations of the base independent claims.

By this communication, the Applicant cancels claims 1-34, 36-38 and 41-49, rewrites objected-to claims 35, 39 and 40 to incorporate all limitations of the rejected base independent claims, and adds new claims 50-67 directed to the same subject matter as cancelled dependent claims 2-13 and 41-43. Applicant does not acquiesce to the rejection of claims by the Examiner, but merely rewrites claims 35, 39 and 40 in order to put the application in position for allowance, and cancels claims 1-34, 36-38 and 41-49 without prejudice, reserving the right to pursue cancelled or rejected claims through continuation.

Applicant respectfully requests reconsideration of the pending claims in view of the amendments and remarks set forth below.

#### Official Notice taken by the Examiner

In paragraph 12 of the Final Office Action, the Examiner took official notice that, it is old and well known in the Internet communication art for a user interface, configuration engine, and supplier system to be remotely located with respect to each other. For example, eBay is a networked based shopping platform where a customer from the comfort of their home or place of business can access eBay via the Internet and search and select an item to bid on.

The Examiner continued that because “the parties involved are remotely located from each other...it would have been obvious...to have a remotely located system between the customer, system, and supplier.”

The example of eBay cited by the Examiner is wholly inapposite in the instant case, because eBay merely provides an advertisement and auction mechanism connecting buyers and sellers, and does not provide any means for accomplishing the functions specified in the instant invention. Accordingly, Applicant submits that the Official Notice taken by the Examiner is not "capable of such instant and unquestionable demonstration as to defy dispute" *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961).

Applicant submits that all of the claims now pending in the application are patentable over the prior art of record. The Applicant therefore requests passage of the application to issue. If the Examiner believes a telephone conference would expedite prosecution of this application, the Applicant requests that the Examiner telephone the undersigned Applicants' representative at the number set forth below.

#### **CONCLUSION**

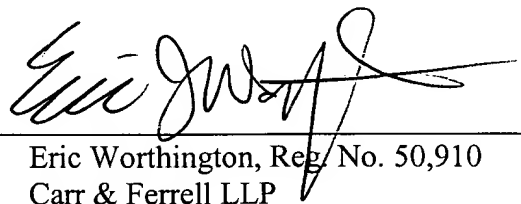
Upon consideration of the above remarks, Applicants submit that the application is in condition for allowance, and respectfully request the issuance of a Notice of Allowability.

Respectfully submitted,

Yuri Smirnov

Date: November 5, 2003

By: \_\_\_\_\_



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